

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

WILLIAM DAVID BURNSIDE,)	
)	
Plaintiff,)	
)	
VS.)	No. 09-2727-JDT-tmp
)	
T. WALTERS, ET AL.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
TO SET ASIDE ENTRY OF DEFAULT

Following service of process, the *pro se* Plaintiff, William David Burnside, filed a motion seeking entry of default against the City of Memphis and Cynthia Puljic, two of the various Defendants named in the amended complaint. (ECF No. 55.) The Clerk entered default on December 1, 2014. (ECF No. 56.) However, on December 2 and 3, 2014, Plaintiff filed motions to withdraw his request for entry of default. (ECF Nos. 61 & 62.) He stated that he had been contacted by counsel, who advised that the interests of the City and Puljic would be represented and defended in this case. Plaintiff further indicated that he wants the case to be tried on the merits rather than by default. (*Id.*)

On December 9, 2014, U.S. Magistrate Judge Tu M. Pham issued a Report and Recommendation (“R&R”) in which he recommended setting aside the entry of default against the City and Puljic. (ECF No. 64.) Objections to that R&R were due within fourteen

days, on or before December 26, 2014. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(d). No objections have been filed. Therefore, as the Magistrate Judge's determination is sound, the Court ADOPTS the R&R. The entry of default against Defendants the City of Memphis and Cynthia Puljic is hereby SET ASIDE.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE